



Attorney's Docket No.: 07039-129002

TECH CENTER 1600/2900

OCT 10 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jens Ponikau
Serial No. : 09/865,785
Filed : May 25, 2001
Title : METHODS AND MATERIALS FOR TREATING AND PREVENTING
INFLAMMATION OF MUCOSAL TISSUE

Art Unit : 1614
Examiner : K. Weddington

Commissioner for Patents
Washington, D.C. 20231

RESPONSE

In response to the action mailed August 27, 2002, please consider the following remarks.

REMARKS

Claims 51-96 were rejected and remain pending. In light of the following remarks,
Applicant respectfully requests allowance of claims 51-96.

Double patenting rejection

The Examiner rejected claim 51-96 as conflicting with all the claims of U.S. Patent Application Serial No. 09/177,164. The Examiner stated that "Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications."

Applicant respectfully disagrees with this rejection and reserves the right to comment on the relationship between the allegedly conflicting claims. To further prosecution, however, Applicant expressly abandoned U.S. Patent Application Serial No. 09/177,164 on October 1, 2002. Thus, all the claims of U.S. Patent Application Serial No. 09/177,164 have been cancelled as suggested by the Examiner, obviating this rejection.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 2, 2002

Date of Deposit

Signature

Judy Wasilkus

Typed or Printed Name of Person Signing Certificate

Applicant : Jens Ponikau
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Page : 2

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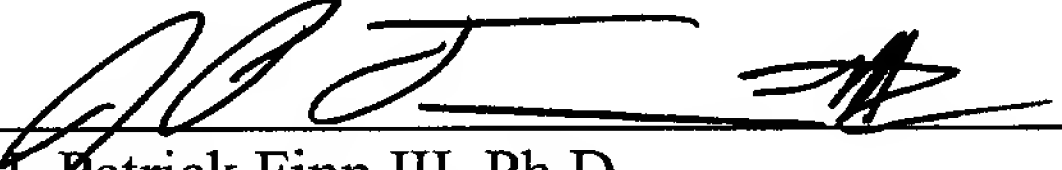
For the Examiner's convenience, copies of (1) the Express Abandonment filed October 1, 2002 for U.S. Patent Application Serial No. 09/177,164 and (2) the Official Action mailed September 24, 2002 for U.S. Patent Application Serial No. 09/177,164 are submitted herewith in the accompanying Information Disclosure Statement under the description "Updated Substantive U.S. Patent and Trademark Office correspondence for U.S. Application Serial No. 09/177,164 from July 4, 2002 up to and including October 1, 2002."

CONCLUSION

Applicant submits that claims 51-96 are in condition for allowance, which action is requested. The Examiner is invited to call the undersigned agent at the telephone number below if such will advance prosecution of this application. The Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 06-1050.

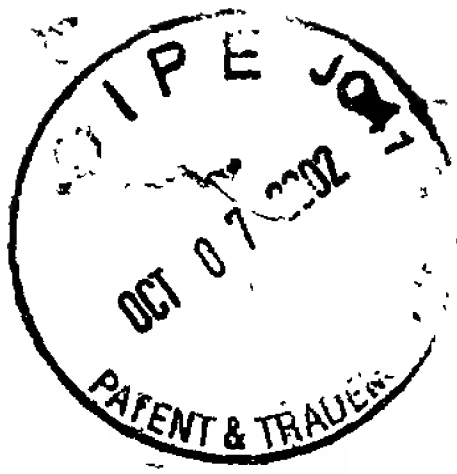
Respectfully submitted,

Date: October 2, 2002


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TRANSMITTAL LETTER


The following correspondence relating to this application is enclosed:

1. Response to Office Action mailed August 27, 2002 (2 pages);
2. Information Disclosure Statement (1 page);
3. Form PTO-1449 (2 pages);
4. Documents listed on Form PTO-1449 (10 items);
5. Check for \$180 for Information Disclosure Statement; and
6. Post card.

Please apply any charges not covered, or any credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: October 2, 2002


J. Patrick Finn III, Ph.D.
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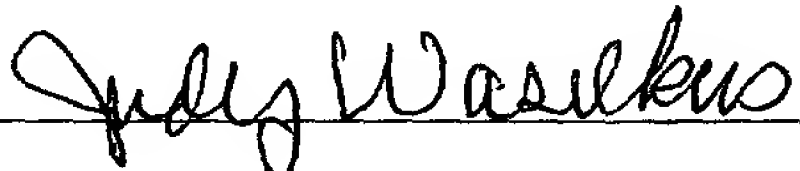
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